

Protest of	)	
	)	Date: December 31, 1987
ILLINOIS DEPARTMENT OF	)	
REHABILITATION SERVICES	)	
	)	
Solicitation No. 169991-87-A-0394	)	P.S. Protest No. 87-121

### DECISION

The Illinois Department of Rehabilitation Services (DORS) protests the decision of the contracting officer that its protest against the solicitation for vending operations within the Chicago Main Post Office was obviously without merit.

By letter dated October 2, 1987, and received October 6, DORS filed a protest with the Postmaster, Chicago, IL regarding solicitation 16991-87-A-0394, claiming that it violated 20

U.S.C. '107(b) by not affording a priority to blind vendors in the operation of vending facilities on federal property. The protest was referred to the Chicago Procurement and Materiel Management Service Office, which had issued the solicitation, on October 14.

By letter dated October 22, the contracting officer denied the protest as obviously without merit because DORS had been given thirteen sites for the operation of vending facilities within the Chicago facility, thus meeting the requirements of the statute. The decision was received by the protester no later than October 27.<sup>1/</sup> DORS' protest to this office, dated November 9, was received on November 12.

PCM 2-407.8 d. (4) provides that "[i]f a protest has been filed initially with the contracting officer, any subsequent protest to the General Counsel received within 10 working days of the protester's formal notification ... will be considered, ..." The protest was untimely as it was received by this office at least eleven working days after the protester received the contracting officer's determination.

The timeliness requirement imposed by regulation is jurisdictional. We cannot consider the merits of any issue which has been untimely raised. K-D Engineering, Inc., P.S. Protest No. 87-114, November 27, 1987; Bessemer Products Corporation, P.S. Protest No. 86-5, March 26, 1986; Poveco, Inc., et al., P.S. Protest No. 85-43, October 30, 1985. This office has no authority to waive or disregard timeliness. See Air Transport

<sup>1/</sup>The DORS date stamp on a copy of the letter submitted with its protest appears to show receipt on the 26th; a return receipt for the letter bears the October 27 date.

Association of America, P.S. Protest No. 84-29, aff'd on reconsideration, June 1, 1984.

The protest is dismissed as untimely.

William J. Jones  
Associate General Counsel  
Office of Contracts and Property Law

**[checked against original JLS 3/22/93]**